

after reconsideration, the head of the appropriate Examining Division section will send the applicant written notification of the reasons for refusal. The applicant may again request reconsideration. If the claim is refused again, the Chief of the Examining Division will notify the applicant in writing of the reasons. The Division Chief's decision constitutes final agency action.

Section 606.04 Compendium II of Copyright Office Practices.

II. Circumstances Leading to Modification

Although the Office's practice concerning appeals is long-standing, we have periodically considered modifying it. A number of commentators have criticized the current practice on the grounds that containment within the Examining Division leads to an overly closed system. Even under the existing practice, however, there has been some discussion of particular cases with the General Counsel or the Register. More recently, the Library of Congress appointed an Advisory Committee on Copyright Registration and Deposit, (ACCORD); in their meetings, members of this Committee criticized the appeals procedure and suggested that it be changed. Library of Congress, Advisory Committee on Copyright Registration and Deposit, 31 (1993).

The Copyright Office is committed to improving this procedure and will be publishing a Notice of Proposed Rulemaking seeking public comment on legal and administrative issues associated with establishing a more formal procedure at a later date. Meanwhile, as a first step, the Office has decided to establish a Board of Appeals within the Copyright Office as an interim system. By instituting this Board, we will gain experience in administering an alternative system.

After the Office has some practical experience with the new system, we will make a detailed proposal and seek public comment. Following review of these comments, the Copyright Office will publish the new appeal procedure as a regulation. Although we are now adopting as an interim system the Board of Appeals described below, the precise nature of the final appeal procedure will not be established until we publish final rules. Anyone who wishes to suggest specific guidelines for our consideration before the proposed rulemaking should submit them to the Board of Appeals, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

III. Policy Decision

The Copyright Office's appeal procedure set out in § 606.04 of the

Compendium is amended to read as follows:

Appeals of refusal to register: request for reconsideration. When the Copyright Office has refused to register a claim as submitted, it notifies the applicant in writing of the refusal to register. After such notification, the applicant may set forth in writing his or her objections to the refusal and request that the Office reconsider its action. The appeal letter should be addressed to the appropriate section of the Examining Division, Copyright Office, Washington, D.C. 20559. The first request for reconsideration must be received in the Copyright Office within 120 days of the date of the Office's first refusal to register, and the envelope containing the request should be clearly marked: FIRST APPEAL/ EXAMINING DIVISION.

If the claim is refused after reconsideration, the head of the appropriate section of the Examining Division sends the applicant written notification of the reasons for refusal. The applicant may again request reconsideration in writing. This second appeal must be received in the Copyright Office within 120 days of the date of the Office's refusal of the first appeal, and be directed to the Board of Appeals at the following address: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C., 20024. The Board of Appeals shall consist of the Register of Copyrights, the General Counsel, and the Chief of the Examining Division, or their respective designees. The Board shall consider the second appeal and render a final decision. The designated Chair of the Board of Appeals will write the applicant setting out the reasons for acceptance or denial of the claim. The Appeals Board's decision constitutes final agency action.

Dated: April 27, 1995.

Marybeth Peters,
Register of Copyrights.

Approved by:

James H. Billington,
The Librarian of Congress.

[FR Doc. 95-11045 Filed 5-3-95; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7138

[CO-930-1920-00-4355; COC-51843]

Transfer of Public Land for the Slick Rock Disposal Site; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order permanently transfers 61.25 acres of public land to the Department of Energy in accordance with the terms of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7916 (1988)), as amended.

EFFECTIVE DATE: May 4, 1995.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7916 (1988)), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby permanently transferred to the Department of Energy, and as a result of this transfer, the land is no longer subject to the operation of the general land laws, including the mining and the mineral leasing laws, for the Slick Rock Disposal Site:

New Mexico Principal Meridian

T. 44 N., R. 18 W.,

Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains approximately 61.25 acres of public land in San Miguel County.

2. The transfer of the above-described land to the Department of Energy vests in that Department full management, jurisdiction, responsibility, and liability for such land and all activities conducted therein, except as provided in paragraph 3.

3. The Secretary of the Interior shall retain the authority to administer any existing claims, rights, and interests in this land established before the effective date of the transfer.

Dated: April 21, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-10992 Filed 5-3-95; 8:45 am]

BILLING CODE 4310-JB-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 90

[ET Docket 93-235; FCC 95-148]

Additional Frequencies for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission makes available 15 new channel pairs for cordless telephones. This action is taken to relieve

congestion on existing channels and is intended to improve the operation and convenience of cordless telephones, making it easier for consumers to obtain improved wireless access to telephone service.

EFFECTIVE DATE: June 5, 1995.

FOR FURTHER INFORMATION CONTACT: Anthony Serafini, Office of Engineering and Technology, (202) 776-1628.

SUPPLEMENTARY INFORMATION: This is a summary of the background to the Commission's *Report and Order*, in ET Docket 93-235, Adopted April 5, 1995 and released April 10, 1995. The complete *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

1. On August 20, 1992, the Personal Communications Section of the Telecommunications Industry Association (TIA) submitted a Petition for Rule Making (RM-8094) seeking additional frequencies for cordless telephones. TIA stated that additional cordless telephone channels are needed to relieve channel-crowding problems, due to the widespread popularity of these devices. TIA suggested that an additional 15 channel pairs using 30 frequencies near 44 and 49 MHz be made available for cordless telephone use.

2. On August 20, 1993, the Commission adopted a *Notice of Proposed Rule Making (Notice)*, 58 FR 51299 (October 1, 1993), in this proceeding. In the *Notice*, the Commission proposed to make available for cordless telephone use the additional 15 channel pairs suggested by TIA. These frequencies are currently allocated to the Private Land Mobile Radio Service (PLMRS). The Commission also proposed to require that cordless telephones operating on these new frequencies incorporate a mechanism for automatically monitoring and preventing activation on any occupied channel. The proposed frequencies in the 44 MHz band are used internally by TV receivers. The Commission therefore proposed to designate the lower frequencies near 44 MHz, for base units in order to minimize interference to TV receivers and not to require any specific pairing of frequencies. It further requested comment on certain other technical aspects associated with cordless telephone operation. Namely, it

requested comment on whether to continue to allow cordless telephone operating frequencies to be offset from the center of cordless telephone channels and whether 20 kHz is the appropriate bandwidth for operation on the new frequencies.

3. The commenting parties representing cordless telephone manufacturers agreed that there is a need for additional cordless telephone frequencies to relieve channel congestion. Some of these parties raised concerns with respect to specific technical requirements and implementation procedures. Other parties, generally representing land mobile and broadcast interest, expressed concern about potential interference problems and questioned the need for additional cordless telephone spectrum.

4. Based on these comments, the Commission adopted the *Report and Order* to allow new cordless telephone frequencies. Accordingly, it is ordered that Parts 15 and 90 of the Commission's rules are amended as specified below, effective 30 days after publication in the **Federal Register**. Furthermore, it is ordered that the Petitions for Reconsideration filed by the Telecommunications Industry Association and Uniden America Corporation in GEN Docket No. 89-626 are granted with regard to the offset channel rule. This action is taken pursuant to the authority contained in sections 4(i), 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended.

List of Subjects

47 CFR Part 15

Communications equipment.

47 CFR Part 90

Communications equipment.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

A. Title 47 of the Code of Federal Regulations, parts 15 and 90, as amended to read as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 continues to read as follows:

Authority: Secs. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, and 307.

2. Section 15.233 is amended by revising the section heading and

paragraphs (b) and (d), to read as follows:

§ 15.233 Operation within the bands 43.71–44.49 MHz, 46.60–46.98 MHz, 48.75–49.51 MHz and 49.66–50.0 MHz.

* * * * *

(b) An intentional radiator used as part of a cordless telephone system shall operate centered on one or more of the following frequency pairs, subject to the following conditions:

(1) Frequencies shall be paired as shown below, except that channel pairing for channels one through fifteen may be accomplished by pairing any of the fifteen base transmitter frequencies with any of the fifteen handset transmitter frequencies.

(2) Cordless telephones operating on channels one through fifteen must:

(i) Incorporate an automatic channel selection mechanism that will prevent establishment of a link on any occupied frequency; and

(ii) The box or an instruction manual which is included within the box which the individual cordless telephone is to be marketed shall contain information indicating that some cordless telephones operate at frequencies that may cause interference to nearby TVs and VCRs; to minimize or prevent such interference, the base of the cordless telephone should not be placed near or on top of a TV or VCR; and, if interference is experienced, moving the cordless telephone farther away from the TV or VCR will often reduce or eliminate the interference. A statement describing the means and procedures used to achieve automatic channel selection shall be provided in any application for equipment authorization of a cordless telephone operating on channels one through fifteen.

Channel	Base transmitter (MHz)	Handset transmitter (MHz)
1	43.720	48.760
2	43.740	48.840
3	43.820	48.860
4	43.840	48.920
5	43.920	49.020
6	43.960	49.080
7	44.120	49.100
8	44.160	49.160
9	44.180	49.200
10	44.200	49.240
11	44.320	49.280
12	44.360	49.360
13	44.400	49.400
14	44.460	49.460
15	44.480	49.500
16	46.610	49.670
17	46.630	49.845
18	46.670	49.860
19	46.710	49.770
20	46.730	49.875
21	46.770	49.830
22	46.830	49.890

Channel	Base transmitter (MHz)	Handset transmitter (MHz)
23	46.870	49.930
24	46.930	49.990
25	46.970	49.970

* * * * *

(d) The fundamental emission shall be confined within a 20 kHz band and shall be centered on a carrier frequency shown above, as adjusted by the frequency tolerance of the transmitter at the time testing is performed.

Modulation products outside of this 20 kHz band shall be attenuated at least 26 dB below the level of the unmodulated carrier or to the general limits in § 15.209, whichever permits the higher emission levels. Emissions on any frequency more than 20 kHz removed from the center frequency shall consist solely of unwanted emissions and shall not exceed the general radiated emission limits in § 15.209. Tests to determine compliance with these requirements shall be performed using an appropriate input signal as prescribed in § 2.989 of this chapter.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for part 90 continues to read as follows:

Authority: Secs. 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. secs. 154, 303, and 332, unless otherwise noted.

2. In § 90.65, the table in paragraph (b) is amended, to add a new limitation "44" to the entries for frequencies 48.76, 48.84, 48.86, 48.92, 49.02, 49.08, 49.10, 49.16, 49.20, 49.24, 49.28, 49.36, 49.40, 49.46 and 49.50 MHz, and a new paragraph (c)(44) is added, to read as follows:

§ 90.65 Petroleum Radio Service.

* * * * *

(b) * * *

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
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* * * * *

Megahertz:

* * * * *

48.76do 10, 44.

* * * * *

48.84do 10, 44.

48.86do 10, 44.

* * * * *

48.92do 10, 44.

* * * * *

49.02do 10, 44.

PETROLEUM RADIO SERVICE FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations
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* * * * *

49.08do 10, 44.

49.10do 10, 44.

* * * * *

49.16do 10, 44.

* * * * *

49.20do 10, 44.

* * * * *

49.24do 10, 44.

* * * * *

49.28do 10, 44.

* * * * *

49.36do 10, 44.

* * * * *

49.40do 10, 44.

* * * * *

49.46do 10, 44.

* * * * *

49.50do 10, 44.

* * * * *

(c) * * *

(44) This frequency is also used on a secondary basis by cordless telephones under part 15 of this chapter.

* * * * *

3. In § 90.67, the table in paragraph (b) is amended, to add a new limitation "38" to the entries for frequencies 48.76, 48.84, 48.86, 48.92, 49.02, 49.08, 49.10, 49.16, 49.20, 49.24, 49.28, 49.36, 49.40, 49.46 and 49.50 MHz, and a new paragraph (c)(38) is added, to read as follows:

§ 90.67 Forest Products Radio Service.

* * * * *

(b) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
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* * * * *

Megahertz:

* * * * *

48.76do 2, 38.

* * * * *

48.84do 2, 38.

48.86do 2, 38.

* * * * *

48.92do 2, 38.

* * * * *

49.02do 2, 38.

* * * * *

49.08do 2, 38.

49.10do 2, 38.

* * * * *

49.16do 2, 38.

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations
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* * * * *

49.20do 2, 38.

* * * * *

49.24do 2, 38.

* * * * *

49.28do 2, 38.

* * * * *

49.36do 2, 38.

* * * * *

49.40do 2, 38.

* * * * *

49.46do 2, 38.

* * * * *

49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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49.50do 2, 38.

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(c) * * *
(38) This frequency is also used on a secondary basis by cordless telephones under part 15 of this chapter.

* * * * *

4. In § 90.89, the table in paragraph (b) is amended, to add a new limitation "23" to the entries for frequencies 43.72, 43.74, 43.82, 43.84, 43.92, 43.96, 44.12, 44.16, 44.18, 44.20, 44.32, 44.36, 44.40, 44.46 and 44.48 MHz, and a new paragraph (c)(23) is added, to read as follows:

§ 90.89 Motor Carrier Radio Service.

* * * * *

(b) * * *

MOTOR CARRIER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
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* * * * *

Megahertz:

* * * * *

43.72do 4, 23.

43.74do 4, 23.

* * * * *

43.82do 4, 23.

43.84do 4, 23.

* * * * *

43.92do 4, 23.

43.96do 5, 6, 23.

* * * * *

43.96do 5, 23.

* * * * *

44.12do 5, 23.

* * * * *

44.12do 5, 23.

* * * * *

44.12do 5, 23.

* * * * *

44.12do 5, 23.

* * * * *

44.12do 5, 23.

* * * * *

MOTOR CARRIER RADIO SERVICE
FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations
* * *	* * *	* * *
44.16	do	5, 23.
44.18	do	5, 23.
44.20	do	5, 20, 23.
* * *	* * *	* * *
44.32	do	5, 23.
* * *	* * *	* * *
44.36	do	5, 6, 23.
* * *	* * *	* * *
44.40	do	5, 6, 23.
* * *	* * *	* * *
44.46	do	1, 23.
44.48	do	1, 23.
* * *	* * *	* * *

(c) * * *

(23) This frequency is also used on a secondary basis for cordless telephones under part 15 of this chapter.

* * *

[FR Doc. 95-11012 Filed 5-3-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 89-553, GN Docket No. 93-252, PP Docket No. 93-253, FCC 95-159]

Service Rules for SMR Systems in the
900 MHz Frequency BandAGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted a *Second Report and Order*, implementing final service rules to complete the licensing of the 900 MHz Specialized Mobile Radio (SMR) service. This Order implements the Commission's decision in the *Third Report & Order* in GN Docket No. 93-252, (*CMRS Third Report & Order*), to license the 900 MHz band on a Major Trading Area (MTA) basis. The *Second Report and Order* also establishes technical and operational rules for the new MTA licensees, and defines the rights of SMR licensees already operating in the 900 MHz band. This *Second Report and Order* also addresses issues raised on reconsideration of the *CMRS Third Report & Order* pertaining specifically to the 900 MHz SMR service.

EFFECTIVE DATE: June 5, 1995.

FOR FURTHER INFORMATION CONTACT: Amy Zoslov, (202) 418-0620, Wireless Telecommunications Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Second Report and Order*, adopted April 14, 1995, released April 17, 1995. The complete text of this *Second Report and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 239, 1919 M Street NW., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857-3800, 2100 M Street NW., Suite 140, Washington, D.C. 20037.

Synopsis of the Second Report and Order

Adopted: April 14, 1995

Released: April 17, 1995

Comment Date: May 24, 1995

Reply Comment Date: June 1, 1995

I. Background

1. When the Commission established the 900 MHz SMR service in 1986, it elected to use a two-phase licensing process. In Phase I, licenses were assigned in 46 "Designated Filing Areas" (DFAs) comprised of the top 50 markets. Phase II licensing, for facilities outside the DFAs, was frozen after 1986, when the Commission opened its filing window for the DFAs. In 1989, the Commission adopted a *Notice of Proposed Rule Making* in PR Docket 89-553, proposing to begin Phase II licensing of SMR facilities nationwide. In 1993, the Commission adopted a *First Report & Order & Further Notice of Proposed Rule Making* in PR Docket 89-553 (*Phase II First R&O & Further Notice*), 58 FR 12176 (March 3, 1993), modifying its Phase II proposal and seeking comment on whether to license the 900 MHz SMR band to a combination of nationwide, regional and local systems. Shortly thereafter, Congress amended the Communications Act to reclassify most SMR licensees as Commercial Mobile Radio Service (CMRS) providers and establish the authority to use competitive bidding to select from among mutually exclusive applicants for certain licensed services. The Commission deferred further consideration of Phase II and incorporated the 900 MHz SMR docket into its CMRS proceeding.

2. In the *CMRS Third Report & Order*, 59 FR 59,945 (Nov. 21, 1994), the Commission further revised its Phase II proposals and established the broad outlines for the completion of licensing in the 900 MHz SMR band. The Commission left the specific service rules for the Phase II *Order*, which the

Commission adopted herein. This Order also considers petitions for reconsideration of the *CMRS Third Report & Order*, 59 FR 59,945 (Nov. 21, 1994) and *ex parte* presentations concerning, *inter alia*, secondary sites, loading requirements, treatment of incumbents *vis a vis* the MTA licensees, and coverage requirements. The Commission also affirms its rules governing channel blocks and MTA service areas; addresses coverage requirements for MTA licensees; provides incumbent licensees protection from interference by MTA licensees through geographic separation and short-spacing rules; provides for co-channel interference protection between adjacent MTA licensees, including signal level limitation, coordination of frequency usage, and emission mask rules; partially reconsiders its rules governing primary site protection; affirms its rules regarding loading requirements; provides channel block allocation for MTA licensees in Mexican and Canadian border areas; and modifies its rule regarding discontinuance of operation. Finally, the Commission applies the CMRS spectrum cap to 900 MHz SMR licensees, and establish rules grandfathering incumbent PMRS licensees and foreign-ownership of private land mobile providers.

II. Second Report and Order**A. Service Rules**

3. *Service Areas.* In the *CMRS Third Report & Order*, 59 FR 59,945 (Nov. 21, 1994), the Commission found that MTAs are the preferable service area for future 900 MHz SMR licensing. The limited success of existing 900 MHz SMR systems confined to providing service in DFAs weighs against the use of more numerous Basic Trading Areas (BTAs) or similarly small service areas. The Commission also found that MTA licensing is more likely to create opportunities for both existing licensees and new entrants to meet customer demands for wide-area service, and unlike larger regional or nationwide service areas, will not unnecessarily restrict entry to a small number of licensees. *CMRS Third Report & Order*, 59 FR 59,945 (Nov. 21, 1994). For those reasons, the Commission affirms its initial decision to license 900 MHz SMR licenses on an MTA basis.

4. The Commission notes that Rand McNally & Company is the copyright owner of MTA listings, and an agreement in principal for a blanket copyright license has been reached between Rand McNally and the American Mobile Telecommunications Association. MTA licensees would